

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL NO. 1:14CR89-17
(Judge Keeley)

JESSIE MARIE FOX,

Defendant.

ORDER ACCEPTING AND ADOPTING MAGISTRATE JUDGE'S
OPINION/REPORT RECOMMENDATION CONCERNING PLEA OF
GUILTY IN FELONY CASE

On June 8, 2015, the defendant, Jessie Marie Fox ("Fox"), appeared before United States Magistrate Judge John S. Kaull and moved for permission to enter a plea of GUILTY to Count Fifty-Two of the Indictment. Fox stated that she understood that the magistrate judge is not a United States District Judge, and consented to pleading before the magistrate judge. This Court had referred the guilty plea to the magistrate judge for the purposes of administering the allocution pursuant to Federal Rule of Criminal Procedure 11, making a finding as to whether the plea was knowingly and voluntarily entered, and recommending to this Court whether the plea should be accepted.

Based upon Fox's statements during the plea hearing and the testimony of Sergeant John Rogers, West Virginia State Police, the magistrate judge found that Fox was competent to enter a plea, that the plea was freely and voluntarily given, that she was aware of

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the nature of the charges against her and the consequences of her plea, and that a factual basis existed for the tendered plea. On June 8, 2015, the magistrate judge entered an Opinion/Report and Recommendation Concerning Plea of Guilty in Felony Case ("R&R") (dkt. no. 431) finding a factual basis for the plea and recommending that this Court accept Fox's plea of guilty to Count Fifty-Two of the Indictment.

The magistrate judge also directed the parties to file any written objections to the R&R within fourteen (14) days after service of the R&R. The magistrate judge further directed that failure to file objections would result in a waiver of the right to appeal from a judgment of this Court based on the R&R. After which, the parties did not file any objections.

Accordingly, this Court **ADOPTS** the magistrate judge's R&R, but **DEFERS** acceptance of Fox's guilty plea, and adjudication of her guilt of the crime charged in Count Fifty-Two of the Indictment until after her completion of or discharge from the Drug Court Program.¹ Pursuant to U.S.S.G. § 6A1 et seq., the Court **DIRECTS**

¹ On April 27, 2015, the United States of America moved for temporary transfer of supervision of Fox to the Honorable John Preston Bailey to permit her to participate in the Drug Court Program for the Northern District of West Virginia (dkt. no. 389).

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the Probation Office to prepare and submit a pre-sentence report for the Court's review.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to counsel of record, the defendant and all appropriate agencies.

DATED: June 22, 2015.

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE

The Court will dispose of that motion by further Order.